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State of New Mexico
ENVIRONMENT DEPARTMENT

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**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

February 27, 2007

David Gregory
Federal Project Director
Los Alamos Site Office
Department of Energy
528 35th Street, Mail Stop A316
Los Alamos, NM 87544

David McInroy
Remediation Services Deputy Project Director
Los Alamos National Laboratory
P.O. Box 1663, Mail Stop M992
Los Alamos, NM 87545

**RE: NOTICE DATE EXTENSION FOR THE CORRECTIVE MEASURES
EVALUATION REPORT FOR INTERMEDIATE AND REGIONAL
GROUNDWATER AT SOLID WASTE MANAGEMENT UNIT (SWMU) 16-021(c)
LOS ALAMOS NATIONAL LABORATORY, NM0890010515
HWB-LANL-MISC**

Dear Messrs. Gregory and McInroy:

The New Mexico Environment Department (NMED) is in receipt of an electronic mail from Mr. John McCann of Los Alamos National Security, LLC (LANS) expressing his concern over the change in the notice date for the SWMU 16-021(c) Corrective Measures Evaluation (CME) Report. In its approval of the Department of Energy and LANS's (collectively, the "Permittees") request for an extension for submittal of the CME Report, NMED extended the notice date by an equal length of time (92 days), and proposed an additional 111 days to accommodate required actions specified in Section VII.D.7 of the March 1, 2005 Order on Consent (Consent Order).

Pursuant to the fifth footnote to Tables XII-2 and XII-3, the notice date for a CME Report means "decision on final remedy by the Department," not approval of the CME Report. According to



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Messrs. Gregory and McInroy

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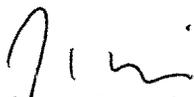
Section VII.D.7 of the Consent Order, NMED is to perform several activities by the notice date, including, but not limited to:

- Issuing a statement of basis for selection of the remedy.
- Providing for a minimum 60-day public comment period.
- Providing for an opportunity for a public hearing (during which the public comment period may be extended).
- Selecting a final remedy and issue a response to comments within 90 days of the end the of comment period.

In responding to the Permittees' request, NMED recognized the need to extend the notice time of 92 days to accommodate the aforementioned activities. Therefore, NMED proposed to add 21 days to prepare a public notice (statement of basis) of remedy selection, 60 days to allow for a public comment period, and 30 days to respond to public comments and select a final remedy (even though the Consent Order allows for 90 days). Assuming there is no request for a hearing, the additional 111 days is a more accurate estimate of the amount of time NMED needs to solicit public input and to make a final remedy decision.

NMED is committed to a timely and technically-sound review of remedy alternatives, and to selecting the most appropriate remedy for this site. NMED welcomes further discussion of this issue so that all parties may come to an agreement that promotes our mutual interest of protecting human health and the environment. Should you have any questions, please feel free to contact me at (505) 476-6016.

Sincerely,



James Bearzi

Chief

Hazardous Waste Bureau

JPB:dxg

cc: J. Young, NMED HWB
S. Yanicak, NMED DOE OB, MS J993
L. King, EPA 6PD-N
J. McCann, LANL EP-CAP, MS M992
D. Hickmott, LANL EP-CAP, MS M992
G. Rael, DOE LASO, MS A316
A. Phelps, LANL MS M591

file: Reading and [REDACTED]